

THURSDAY, APRIL 25, 1985

FORTIETH LEGISLATIVE DAY

The House met at 10:00 a.m. and was called to order by Mr. Speaker McWherter.

The proceedings were opened with prayer by Dr. Ray Cleek, Pastor, First Baptist Church, Lebanon, Tennessee.

Representative Bell led the House in the Pledge of Allegiance to the Flag.

The roll call was taken with the following results:

Present . . . . . 98

Representatives present were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--98.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.:

208--To make certain provisions, professional bondsmen;

**THURSDAY, APRIL 25, 1985--40th LEGISLATIVE DAY**

substituted for Senate Bill on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution No.:

281--Relative to honoring Frances B. Jackson; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**ENROLLED BILLS**

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bills Nos. 208, 410, 522, 538 and 1009; and House Joint Resolution No. 281; and find same correctly enrolled and ready for the signatures of the Speakers.

MARILYN EVELYN HAND,  
Chief Engrossing Clerk.

**SIGNED**

The Speaker announced that he had signed the following: House Bills Nos. 208, 410, 522, 538 and 1009; and House Joint Resolution No. 281.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution No.:

126--Relative to congratulating Mr. and Mrs. Maurice C. Moore; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos.:

898--To regulate purchase of supplies, Monroe County Board of Education;

**THURSDAY, APRIL 25, 1985--40th LEGISLATIVE DAY**

903--To define certain racketeering activities; both passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to return to the House, Senate Bill No.:

31--To provide character education in schools.

The Senate nonconcurred in House Amendment No. 1.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill No.:

645--To set rate, state sales tax; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to return to the House, House Bill No.:

528--To amend Good Samaritan Law.

The Senate lifted the tabling motion, reconsidered passage of the bill, reconsidered adoption of Senate Amendment No. 1, withdrew Senate Amendment No. 1, adopted Senate Amendment No. 2, then repassed the bill on third and final consideration, as amended.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to return to the House, House Bills Nos.:

309--To make certain provisions, unemployment compensation;

310--To make certain provisions, unemployment insurance;

466--To increase tax collected on criminal cases; all substituted

for Senate Bills on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**

**MR. SPEAKER:** I am directed to return to the House, House Joint Resolutions Nos.:

130--Relative to urging Congress to enact sodbuster legislation;

222--Relative to Reelfoot Task Force;

241--Relative to honoring Shelia Collins;

243--Relative to memory, Roberts Hassler Roberts;

245--Relative to congratulating International Franchise Association;

246--Relative to recognizing Bernard's Department Store, Rockwood;

247--Relative to memory, Edwin T. McBrayer;

248--Relative to honoring Nick Orlando and Thomas Hill;

249--Relative to honoring Nashville Area Farmers Club;

251--Relative to proclaiming Sigma Chi Derby Days in Tennessee;

254--Relative to congratulating Larry Keeton;

255--Relative to congratulating Memphis City Beautiful Commission;

256--Relative to congratulating Marilyn Taylor;

261--Relative to congratulating Giles County High School girls' basketball team;

262--Relative to commending Judge Larry Potter;

264--Relative to congratulating Perry County High School boys' basketball team;

272--Relative to memory, Oliver Floyd Meredith and Mary Nell Meredith; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**THURSDAY, APRIL 25, 1985--40th LEGISLATIVE DAY**

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to return to the House, House Bill No.:

386--To enact "Right to Natural Death Law"; substituted for Senate Bill on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**CALENDAR**

Senate Bill No. 220--To regulate offense, aggravated assault.

Mr. King moved that Senate Bill No. 220 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes . . . . .	56
Noes . . . . .	39
Present and not voting . . . . .	1

Representatives voting aye were: Bivens, Bragg, Brewer, Burnett, Byrd, Chiles, Cobb, Collier, Covington, Curlee, Darnell, DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensey, Gafford, Gaia, Garrett, Gill, Harrill, Henry, Hillis, Jones, Kernell, Kisber, Love, May, McNally, Montgomery, Moore (Sullivan), Naifeh, Nance, Phillips, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Tankersley, Tanner, Turner, B. (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, West, Williams, Winningham, Wix, Work, Yelton and Mr. Speaker McWherter --56.

Representatives voting no were: Bell, Bewley, Buck, Clark (Davidson), Clark (Sumner), Copeland, Crain, Cross, Davidson, Davis (Coke), Davis (Gibson), Davis (Knox), Dills, Hassell, Hobbs, Hurley, Huskey, Ivy, Jared, Kent, Lawson, McAfee, McCroskey, Moody, Moore (Shelby), Murphy, Murray, Peroulas, Scruggs, Stafford, Stallings, Starnes, Swann, Treadway, Webb, Wheeler, Whitson, Wolfe and Wood--39.

Representative present and not voting was: Miller--1.

A motion to reconsider was tabled.

House Bill No. 772--To exclude dealers licensing, Tobacco Tax Law.

On motion, House Bill No. 772 was made to conform with Senate Bill No. 922.

On motion, Senate Bill No. 922, on same subject, was substituted for House Bill No. 772.

## THURSDAY, APRIL 25, 1985--40th LEGISLATIVE DAY

Ms. Peroulas moved that Senate Bill No. 922 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes . . . . .	88
Noes . . . . .	8

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Gibson), Davis (Knox), DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Hassell, Henry, Hillis, Hobbs, Hurley, Ivy, Jared, Kent, Kernell, King, Kisber, Love, May, McCroskey, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--88.

Representatives voting no were: Davis (Cocke), DeBerry, Dills, Harrill, Huskey, Jones, Lawson and Moody--8.

A motion to reconsider was tabled.

House Bill No. 401--To revise certain court fees.

On motion, House Bill No. 401 was made to conform with Senate Bill No. 395.

On motion, Senate Bill No. 395, on same subject, was substituted for House Bill No. 401.

Mr. Murphy moved that Senate Bill No. 395 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes . . . . .	93
Noes . . . . .	2

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby),

**THURSDAY, APRIL 25, 1985--40th LEGISLATIVE DAY**

Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--93.

Representatives voting no were: Rhinehart and Shirley--2.

A motion to reconsider was tabled.

House Bill No. 88--To specify sources, names for jury lists.

On motion, House Bill No. 88 was made to conform with Senate Bill No. 175.

On motion, Senate Bill No. 175, on same subject, was substituted for House Bill No. 88.

Mr. Murphy moved that Senate Bill No. 175 be placed on the Calendar for Thursday, May 2, 1985, which motion prevailed.

House Bill No. 648--To provide application of population count, Sequatchie County.

On motion, House Bill No. 648 was made to conform with Senate Bill No. 737.

On motion, Senate Bill No. 737, on same subject, was substituted for House Bill No. 648.

Mr. Ivy moved that Senate Bill No. 737 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes . . . . .	96
Noes . . . . .	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--96.

A motion to reconsider was tabled.

House Bill No. 953--To provide benefits, financially disadvantaged.

**THURSDAY, APRIL 25, 1985--40th LEGISLATIVE DAY**

On motion, House Bill No. 953 was made to conform with Senate Bill No. 847.

On motion, Senate Bill No. 847, on same subject, was substituted for House Bill No. 953.

Mr. Burnett moved that Senate Bill No. 847 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes . . . . .	96
Noes . . . . .	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--96.

A motion to reconsider was tabled.

Mr. Speaker McWherter relinquished the Chair to Mr. Bivens, Speaker pro tem.

House Bill No. 393--To set penalty certain delinquent taxes.

On motion, House Bill No. 393 was made to conform with Senate Bill No. 54.

On motion, Senate Bill No. 54, on same subject, was substituted for House Bill No. 393.

Mr. Chiles moved that Senate Bill No. 54 be passed on third and final consideration.

Mr. Bragg moved to amend as follows:

**AMENDMENT NO. 1**

Amend Senate Bill No. 54 by inserting the words "of this return" between the words "audit" and "assesses" in the third sentence of the amendatory language of Section 1.



**THURSDAY, APRIL 25, 1985--40th LEGISLATIVE DAY**

is further amended by inserting the words "of this return" between the words "audit" and "assesses" in the third sentence of the amendatory language of Section 3.

is further amended by inserting the words "of this return" between the words "audit" and "assesses" in the third sentence of the amendatory language of Section 4.

is further amended by inserting the words "of this return" between the words "audit" and "assesses" in the third sentence of the amendatory language of Section 5.

is further amended by inserting the words "of this return" between the words "audit" and "assesses" in the third sentence of the amendatory language of Section 6.

is further amended by inserting the words "of this return" between the words "audit" and "assesses" in the third sentence of the amendatory language of Section 7.

is further amended by inserting the words "of this return" between the words "audit" and "assesses" in the third sentence of the amendatory language of Section 9.

is further amended by deleting the words and figures "five percent (5%)" wherever they appear in Section 9 and inserting instead the words and figures "one-half of one percent. (.5%)".

is further amended by deleting the words and figures "twenty-five percent (25%)" wherever they appear in Section 9 and inserting instead the words and figures "ten percent (10%)".

is further amended by adding the following sentence to the end of the amendatory language of subsection (b) of Section 1:

Provided, however, there shall be no additional penalty assessed for the same tax liability on which a delinquency penalty has previously been assessed.

is further amended by adding the following sentence to the end of the amendatory language of subsection (c)(2) of Section 3:

Provided, however, there shall be no additional penalty assessed for the same tax liability on which a delinquency penalty has previously been assessed.

is further amended by adding the following sentence to the end of the amendatory language of subsection (b) of Section 4:

Provided, however, there shall be no additional penalty assessed for the same tax liability on which a delinquency penalty has previously been assessed.

**THURSDAY, APRIL 25, 1985--40th LEGISLATIVE DAY**

is further amended by adding the following sentence to the end of the amendatory language of subsection (a)(2) of Section 5:

Provided, however, there shall be no additional penalty assessed for the same tax liability in which a delinquency penalty has previously been assessed.

is further amended by adding the following sentence to the end of the amendatory language of subsection (a)(2) of Section 6:

Provided, however, there shall be no additional penalty assessed for the same tax liability on which a delinquency penalty has previously been assessed.

is further amended by adding the following sentence to the end of the amendatory language of subsection (a)(2) of Section 7:

Provided, however, there shall be no additional penalty assessed for the same tax liability on which a delinquency penalty has previously been assessed.

is further amended by adding the following sentence to the end of the amendatory language of subsection (a)(2) of Section 9:

Provided, however, there shall be no additional penalty assessed for the same tax liability on which a delinquency penalty has previously been assessed.

On motion, the amendment was adopted.

Mr. Bragg moved to amend as follows:

**AMENDMENT NO. 2**

Amend Senate Bill No. 54 by adding the following at the end of the amendatory language of Section 1:

(c) Notwithstanding any provision of this section to the contrary, no penalty shall be imposed arbitrarily pursuant to this section and no penalty shall be assessed unless an audit of the return in question demonstrates that such penalty should be assessed.

AND FURTHER AMEND by adding the following at the end of the amendatory language of Section 3:

(d) Notwithstanding any provision of this section to the contrary, no penalty shall be imposed arbitrarily pursuant to this section and no penalty shall be assessed unless an audit of the return in question demonstrates that such penalty should be assessed.

AND FURTHER AMEND by adding the following at the end of the amendatory language of Section 4:

(c) Notwithstanding any provision of this section to the contrary, no penalty shall be imposed arbitrarily pursuant to this section and no penalty shall be assessed unless an audit of the return in question demonstrates that such penalty should be assessed.

AND FURTHER AMEND by adding the following at the end of the amendatory language of Section 5:

(3) Notwithstanding any provision of this section to the contrary, no penalty shall be imposed arbitrarily pursuant to this section and no penalty shall be assessed unless an audit of the return in question demonstrates that such penalty should be assessed.

AND FURTHER AMEND by adding the following at the end of the amendatory language of Section 6:

(3) Notwithstanding any provision of this section to the contrary, no penalty shall be imposed arbitrarily pursuant to this section and no penalty shall be assessed unless an audit of the return in question demonstrates that such penalty should be assessed.

7: AND FURTHER AMEND by adding the following at the end of Section

Tennessee Code Annotated, Section 67-4-916, is further amended by adding the following new subsection:

(c) Notwithstanding any provision of this section to the contrary, no penalty shall be imposed arbitrarily pursuant to this section and no penalty shall be assessed unless an audit of the return in question demonstrates that such penalty should be assessed.

3: AND FURTHER AMEND by adding the following at the end of Section

Tennessee Code Annotated, Section 67-4-817, is amended by adding the following new subsection:

( ) Notwithstanding any provision of this section to the contrary, no penalty shall be imposed arbitrarily pursuant to this section and no penalty shall be assessed unless an audit of the return in question demonstrates that such penalty should be assessed.

AND FURTHER AMEND by adding the following at the end of the amendatory language of Section 9:

(3) Notwithstanding any provision of this section to the contrary, no penalty shall be imposed arbitrarily pursuant to this section and no penalty shall be assessed unless an audit of the return in question demonstrates that such penalty should be assessed.

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 54, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	73
Noes . . . . .	23

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Davis (Gibson), Davis (Knox), DePriest, Dills, Dixon, Ellis, Frensley, Gaia, Garrett, Gill, Hassell, Henry, Hillis, Hobbs, Hurley, Kent, King, Kisber, Love, May, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Pruitt, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Ussery, Webb, West, Williams, Winningham, Wix, Wood, Work, Yelton and Mr. Speaker McWherter--73.

Representatives voting no were: Brewer, Cross, Curlee, Darnell, Davidson, Davis (Cocke), DeBerry, Drew, Gafford, Harrill, Huskey, Ivy, Jared, Jones, Kernell, Lawson, Rhinehart, Stallings, Turner, C. (Shelby), Turner, L. (Shelby), Wheeler, Whitson and Wolfe--23.

A motion to reconsider was tabled.

House Bill No. 773--To exclude beer and light alcohol, licensing requirements.

On motion, House Bill No. 773 was made to conform with Senate Bill No. 924.

On motion, Senate Bill No. 924, on same subject, was substituted for House Bill No. 773.

Mr. Chiles moved that Senate Bill No. 924 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes . . . . .	52
Noes . . . . .	44

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Chiles, Clark (Davidson), Collier, Copeland, Covington, Cross, Curlee, Darnell, Davis (Knox), DePriest, Duer, Ellis, Frensley, Gaia, Garrett, Henry, Hillis, Jared, Kernell, King, Kisber, Love, May, McCroskey,

**THURSDAY, APRIL 25, 1985--40th LEGISLATIVE DAY**

McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Peroulas, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Scruggs, Starnes, Swann, Tanner, Turner, B. (Hamilton), Webb, West, Wheeler, Williams, Work and Yelton--52.

Representatives voting no were: Brewer, Buck, Burnett, Byrd, Clark (Sumner), Cobb, Crain, Davidson, Davis (Cocke), Davis (Gibson), DeBerry, Dills, Dixon, Gafford, Gill, Harrill, Hassell, Hobbs, Hurley, Huskey, Ivy, Jones, Kent, Lawson, McAfee, Moody, Nance, Napier, Ridgeway, Robinson (Washington), Severance, Shirley, Stafford, Stallings, Tankersley, Treadway, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Whitson, Winningham, Wix, Wolfe and Wood--44.

A motion to reconsider was tabled.

Mr. Speaker McWherter resumed the Chair.

House Bill No. 732--To provide for naming of executors.

On motion, House Bill No. 732 was made to conform with Senate Bill No. 750.

On motion, Senate Bill No. 750, on same subject, was substituted for House Bill No. 732.

Ms. Hassell moved that Senate Bill No. 750 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes . . . . .	96
Noes . . . . .	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--96.

A motion to reconsider was tabled.

House Bill No. 652--To alter insurer's use, sovereign immunity defense.

**THURSDAY, APRIL 25, 1985--40th LEGISLATIVE DAY**

On motion, House Bill No. 652 was made to conform with Senate Bill No. 234.

On motion, Senate Bill No. 234, on same subject, was substituted for House Bill No. 652.

Mr. Kisber moved that Senate Bill No. 234 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes . . . . .	96
Noes . . . . .	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cooke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Kent, Kernell, King, Kisber, Lawson, Love, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--96.

A motion to reconsider was tabled.

House Bill No. 868--To amend the Retailers' Sales Tax Act.

Mr. Bragg moved that House Bill No. 868 be passed on third and final consideration.

On motion of Mr. Starnes, his name was removed as sponsor of House Bill No. 868.

Mr. Bragg moved to amend as follows:

**AMENDMENT NO. 1**

Amend House Bill No. 868 by deleting Sections 1 and 2 in their entirety and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 67-6-103, is amended by substituting for the percentages set out in subsections (1), (2), (3)(A)(i), (3)(A)(ii)(a), (3)(A)(V), (3)(D), and (3)(E) respectively as follows:

(1) "Twenty-nine and two hundred forty-six thousandths percent (29.0246)".

**THURSDAY, APRIL 25, 1985--40th LEGISLATIVE DAY**

(2) "Sixty-five and ninety-seven thousandths percent (65.097%)",

(3)(A)(i) "Four and fifty-nine hundred twenty-five ten-thousandths percent (4.5925%)",

(3)(A)(ii)(a) "Four and fifty-nine hundred twenty-five ten thousandths percent (4.5925%)",

(3)(A)(v) "Four and fifty-nine hundred twenty-five ten-thousandths percent (4.5925%)",

(3)(D) "Thirty-six hundred seventy-four ten-thousandths percent (.3674%)",

(3)(E) "Ninety-one hundred eighty-five ten-thousandths percent (.9185%)",

SECTION 2. Tennessee Code Annotated, Section 67-6-202, is amended by deleting subsection (a) in its entirety and by substituting instead the following:

(a) For the exercise of the privilege of engaging in the business of selling tangible personal property at retail in this state, a tax is levied at the rate of five and one-half percent (5 1/2%) of the sales price of each item or article of tangible personal property when sold at retail in this state; the tax is to be computed on gross sales for the purpose of remitting the amount of tax due the state and is to include each and every retail sale.

SECTION 3. Tennessee Code Annotated, Section 67-6-203, is amended by deleting the section in its entirety and by substituting instead the following:

A tax is levied at the rate of five and one-half percent (5 1/2%) of the cost price of each item or article of tangible personal property when the same is not sold but is used, consumed, distributed, or stored for use or consumption in this state provided there shall be no duplication of the tax.

SECTION 4. Tennessee Code Annotated, Section 67-6-204, is amended by deleting subsection (a) in its entirety and by substituting instead the following:

(a) It is declared to be the intention of this chapter to impose a tax on the gross proceeds of all leases and rentals of tangible personal property in this state where the lease or rental is a part of the regularly established business, or the same is incidental or germane thereto. The tax is levied as follows:

**THURSDAY, APRIL 25, 1985--40th LEGISLATIVE DAY**

(1) At the rate of five and one-half percent (5 1/2%) of the gross proceeds derived from the lease or rental of tangible personal property, as defined herein, where the lease or rental of such property is an established business or part of an established business, or the same is incidental or germane to the business.

(2) At the rate of five and one-half percent (5 1/2%) of the monthly lease or rental price by lessee or renter, or contracted or agreed to be paid by lessee or renter, to the owner of the tangible personal property.

SECTION 5. Tennessee Code Annotated, Section 67-6-205, is amended by deleting the section in its entirety and by substituting instead the following:

There is levied a tax at the rate of five and one-half percent (5 1/2%) of the gross charge for all services taxable under this chapter.

SECTION 6. Tennessee Code Annotated, Section 67-6-702, is amended by deleting subsection (a)(1) and by substituting instead the following:

(a)(1) Any county by resolution of its county legislative body or any incorporated city or town by ordinance of its governing body is authorized to levy a tax on the same privileges subject to this chapter as the same may be amended, which are exercised within such county, city or town, to be levied and collected in the same manner and on all such privileges but not to exceed one half (1/2) of the rates levied therein provided that the tax levied shall apply only to the first one thousand one hundred dollars (\$1,100) on the sale or use of any single article of personal property.

SECTION 7. Tennessee Code Annotated, Section 67-6-702, is amended by adding the following new subsection:

( ) The rate of tax levied on food pursuant to this part shall be the same as the rate levied on all other goods and services pursuant to this part, notwithstanding the rate of tax levied on food pursuant to the provisions of Tennessee Code Annotated, Title 67, Chapter 6, Part 2.

SECTION 8. This act shall take effect July 1, 1985, the public welfare requiring it.

Amendment No. 1 was adopted by the following vote:



**THURSDAY, APRIL 25, 1985--40th LEGISLATIVE DAY**

Ayes . . . . .	84
Noes . . . . .	13
Present and not voting . . . . .	1

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Chiles, Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, King, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Stafford, Starnes, Swann, Tankersley, Treadway, Turner, L. (Shelby), Ussery, Webb, West, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--84.

Representatives voting no were: Brewer, Clark (Davidson), Cross, Kernell, Kisber, Moore (Shelby), Pruitt, Shirley, Stallings, Tanner, Turner, B. (Hamilton), Turner, C. (Shelby) and Wheeler--13.

Representative present and not voting was: Rhinehart--1.

Mr. Henry moved to amend as follows:

**AMENDMENT NO. 2**

Amend House Bill No. 868 by deleting Section 7 of the amendatory language of the bill and substituting instead the following sections:

SECTION 7. Tennessee Code Annotated, Section 67-6-202, is amended by deleting subsection (c) in its entirety.

SECTION 8. Tennessee Code Annotated, Section 67-6-702, is amended by deleting subsection (c) in its entirety.

and further amend by substituting for the language of Section 8 of the amendatory language of the bill the following:

SECTION 9. Sections 1 through 6 of this act shall take effect July 1, 1985, the public welfare requiring it. Sections 7 and 8 of this act shall take effect June 1, 1985, the public welfare requiring it.

Mr. Dixon moved to amend Amendment No. 2 as follows:

**AMENDMENT NO. 1 TO AMENDMENT NO. 2**

Amend Amendment No. 2 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

**THURSDAY, APRIL 25, 1985--40th LEGISLATIVE DAY**

SECTION \_\_\_\_\_. Tennessee Code Annotated, Title 67, Chapter 6, Part 3 is amended by adding the following new section:

SECTION \_\_\_\_\_. There shall be exempt from the tax imposed by this chapter the sale of any food or food product properly purchased with food coupons issued by the federal government in accordance with the Food Stamp Act of 1964, 7 U.S.C. 2011 et. seq., and subsequent amending federal legislation.

Mr. Rhinehart moved that Amendment No. 1 to Amendment No. 2 be tabled, which motion prevailed by the following vote:

Ayes . . . . .	59
Noes . . . . .	37
Present and not voting . . . . .	1

Representatives voting aye were: Bell, Bewley, Bragg, Buck, Chiles, Clark (Davidson), Clark (Sumner), Collier, Copeland, Crain, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), Dills, Duer, Frensley, Gafford, Garrett, Harrill, Hassell, Henry, Hobbs, Hurley, Huskey, Ivy, Jared, Kent, Lawson, McAfee, McCroskey, McNally, Montgomery, Moody, Moore (Shelby), Murray, Naifeh, Nance, Napier, Peroulas, Rhinehart, Ridgeway, Robinson (Washington), Scruggs, Severance, Stafford, Swann, Tankersley, Treadway, Ussery, Webb, Whitson, Williams, Winningham, Wix, Wolfe, Wood and Work--59.

Representatives voting no were: Bivens, Brewer, Burnett, Byrd, Cobb, Covington, Cross, Darnell, DeBerry, DePriest, Dixon, Drew, Ellis, Gaia, Gill, Hillis, Jones, Kernell, King, Kisber, Love, May, Miller, Moore (Sullivan), Murphy, Pruitt, Shirley, Stallings, Starnes, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), West, Wheeler, Yelton and Mr. Speaker McWherter--37.

Representative present and not voting was: Robinson (Hamilton) --1.

Mr. Buck moved the previous question, on the amendment, which motion prevailed.

Thereupon, Amendment No. 2 was adopted by the following vote:

Ayes . . . . .	55
Noes . . . . .	42

Representatives voting aye were: Bell, Bewley, Buck, Burnett, Chiles, Clark (Sumner), Collier, Copeland, Crain, Curlee, Darnell, Davis (Cocke), Davis (Gibson), Davis (Knox), Duer, Frensley, Gafford, Garrett, Gill, Harrill, Henry, Hobbs, Hurley, Huskey, Ivy, Jared, Kent, Lawson, May, McCroskey, McNally, Montgomery, Moody, Moore (Sullivan), Murray, Naifeh, Nance, Napier, Peroulas, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Washington), Scruggs,

**THURSDAY, APRIL 25, 1985--40th LEGISLATIVE DAY**

Stafford, Swann, Tankersley, Treadway, Ussery, Webb, Whitson, Winningham, Wolfe, Wood, and Work--55.

Representatives voting no were: Bivens, Bragg, Brewer, Byrd, Clark (Davidson), Cobb, Covington, Cross, Davidson, DeBerry, DePriest, Dills, Dixon, Drew, Ellis, Gaia, Hassell, Hillis, Jones, Kernell, King, Kisber, Love, McAfee, Miller, Moore (Shelby), Murphy, Pruitt, Robinson (Hamilton), Severance, Shirley, Stallings, Starnes, Tanner, Turner, (Hamilton), Turner C. (Shelby), Turner, L. (Shelby), West, Wheeler, Williams, Wix and Mr. Speaker McWherter--42.

Mr. Naifeh moved to amend as follows:

**AMENDMENT NO. 3**

Amend House Bill No. 868 by inserting the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. Tennessee Code Annotated, Title 67, Chapter 6, Part 3, is amended by adding the following new section:

Section \_\_\_\_\_. (a) There shall be exempt from the tax levied by this chapter gas, electricity, fuel oil, coal and other energy fuels sold directly to the consumer for residential use.

(b) For the purpose of this section "sold directly to the consumer for residential use" shall include the furnishing of gas, electricity, fuel oil, coal or other energy fuels to single private residences, including the separate private units of apartment houses and other multiple dwellings, actually used for residential purposes, which are separately metered or measured, regardless of the fact that a person other than the resident:

(1) Is contractually bound to the supplier for the charges;

(2) Actually pays the charges; or

(3) Is billed for the charges.

Use of electricity and other energy fuels in hotel or motel units by transient occupants shall not constitute residential use.

Tennessee Code Annotated, Section 67-6-208, is amended by deleting the section in its entirety.

Amendment No. 3 was adopted by the following vote:

**THURSDAY, APRIL 25, 1985--40th LEGISLATIVE DAY**

Ayes . . . . .	94
Noes . . . . .	1

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dills, Dixon, Drew, Duer, Ellis, Gafford, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--94.

Representative voting no was: Garrett--1.

Mr. Buck moved the previous question, which motion failed by the following vote:

Ayes . . . . .	57
Noes . . . . .	39

Representatives voting aye were: Bell, Bewley, Buck, Burnett, Clark (Davidson), Clark (Sumner), Copeland, Covington, Crain, Curlee, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Duer, Frenslley, Gafford, Garrett, Gill, Harrill, Hassell, Henry, Hobbs, Hurley, Huskey, Ivy, Jared, Kent, Lawson, May, McAfee, McCroskey, McNally, Montgomery, Moody, Moore (Sullivan), Murray, Nance, Peroulas, Rhihehart, Ridgeway, Robinson (Davidson), Robinson (Washington), Scruggs, Stafford, Stallings, Swann, Tankersley, Tanner, Treadway, Ussery, Webb, Whitson, Williams, Wolfe, Wood and Work--57.

Representatives voting no were: Bivens, Brewer, Byrd, Cobb, Collier, Cross, Darnell, Davidson, DeBerry, Dills, Dixon, Drew, Ellis, Gaia, Hillis, Jones, Kernell, King, Kisber, Love, Miller, Moore (Shelby), Murphy, Naifeh, Napier, Pruitt, Robinson (Hamilton), Severance, Shirley, Starnes, Turner, B. (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), West, Wheeler, Winningham, Wix, Yelton and Mr. Speaker McWherter--39.

Mr. Clark (Sumner) moved the previous question which motion prevailed by the following vote:

Ayes . . . . .	75
Noes . . . . .	22
Present and not voting . . . . .	1

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Chiles, Clark (Sumner), Cobb, Collier, Copeland,

**THURSDAY, APRIL 25, 1985--40th LEGISLATIVE DAY**

Crain, Curlee, Darnell, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Duer, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Kent, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Montgomery, Moody, Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Ussery, Webb, West, Whitson, Williams, Winningham, Wolfe, Wood, Work and Yelton--75.

Representatives voting no were: Brewer, Clark (Davidson), Covington, Cross, Davidson, DeBerry, Dills, Dixon, Drew, Ellis, Jones, Kernell, King, Miller, Moore (Shelby), Pruitt, Shirley, Turner, C. (Shelby), Turner, L. (Shelby), Wheeler, Wix and Mr. Speaker McWherter--22.

Representative present and not voting was: Robinson (Hamilton) --1.

Thereupon, House Bill No. 868, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	60
Noes . . . . .	38

Representatives voting aye were: Bell, Bewley, Buck, Burnett, Chiles, Clark (Sumner), Cobb, Collier, Copeland, Crain, Curlee, Darnell, Davis (Cocke), Davis (Gibson), Davis (Knox), Duer, Frensley, Gafford, Garrett, Gill, Harrill, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Kent, Lawson, May, McAfee, McCroskey, McNally, Montgomery, Moody, Moore (Sullivan), Murray, Naifeh, Nance, Napier, Peroulas, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Stafford, Swann, Tankersley, Treadway, Ussery, Webb, West, Whitson, Wolfe, Wood, Work, Yelton --60.

Representatives voting no were: Bivens, Bragg, Brewer, Byrd, Clark (Davidson), Covington, Cross, Davidson, DeBerry, DePriest, Dills, Dixon, Drew, Ellis, Gaia, Hassell, Jones, Kernell, King, Kisber, Love, Miller, Moore (Shelby), Murphy, Pruitt, Robinson (Hamilton), Shirley, Stallings, Starnes, Tanner, Turner, B. (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Wheeler, Williams, Winningham, Wix and Mr. Speaker McWherter--38.

A motion to reconsider was tabled.

Senate Bill No. 604--To enact Racing Control Act of 1985.

Mr. King moved that Senate Bill No. 604 be passed on third and final consideration.

Mr. Frensley moved that Senate Bill No. 604 be re-referred to the Committee on Calendar and Rules, which motion prevailed.

**THURSDAY, APRIL 25, 1985--40th LEGISLATIVE DAY**

Mr. Speaker McWherter relinquished the Chair to Mr. Bivens, Speaker pro tem.

**CONSENT CALENDAR**

House Resolution No. 4--Relative to study, liability insurance, certain contractors.

House Joint Resolution No. 282--Relative to congratulating Betty B. Cannon.

House Joint Resolution No. 283--Relative to congratulating Mary Miller.

House Joint Resolution No. 284--Relative to commending Dr. Charlene Michael.

Mr. Gill moved that all House Resolutions and House Joint Resolutions on the Consent Calendar be adopted, which motion prevailed by the following vote:

Ayes . . . . .	98
Noes . . . . .	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--98.

A motion to reconsider was tabled.

Mr. Clark (Sumner) moved that the rules be suspended for the purpose of introducing House Resolution No. 26 out of order, which motion prevailed.

House Resolution No. 26--Relative to explaining members' actions during athletic event--By Burnett, Garrett, Clark (Sumner), Bivens, Tanner, Naifeh, Byrd, Davidson and McNally.

On motion, the rules were suspended for the immediate consideration of the resolution.

**THURSDAY, APRIL 25, 1985--40th LEGISLATIVE DAY**

On motion of Mr. Clark (Sumner), the resolution was adopted.

A motion to reconsider was tabled.

**RESOLUTION RE-REFERRED**

On motion of Mr. Kisber, Senate Joint Resolution No. 31 was recalled from the Committee on Education.

On motion of Mr. Kisber, Senate Joint Resolution No. 31 was referred to the Committee on Calendar and Rules.

**NOTICE PURSUANT TO RULE NO. 58**

Pursuant to Rule No. 58, sponsors gave notice of their intentions to consider the following measures from the Senate on Monday, April 29, 1985:

Senate Bill No. 31--Love

Senate Bill no. 562--Yelton

**SECOND ROLL CALL**

A roll call was taken with the following results:

Present . . . . . 98

Representatives present were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--98.

Mr. Dills moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 294 out of order, which motion prevailed.

House Joint Resolution No. 294--Relative to study, incarceration of prisoners--By Dills and Miller.

On motion, the rules were suspended for the immediate consideration of the resolution.

## **THURSDAY, APRIL 25, 1985--40th LEGISLATIVE DAY**

The Speaker referred House Joint Resolution No. 294 to the Committee on Calendar and Rules.

Mr. Nance moved that the rules be suspended for the purpose of considering Senate Joint Resolution No. 126 out of order, which motion prevailed.

Senate Joint Resolution No. 126--Relative to congratulating Mr. and Mrs. Maurice C. Moore.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Nance, the resolution was concurred in.

A motion to reconsider was tabled.

### **INTRODUCTION OF RESOLUTIONS**

House Joint Resolution No. 285--Relative to honoring Deborah Joyce Davis--By West.

Under the rules, House Joint Resolution No. 285 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 286--Relative to congratulating Jo Byrns High School boys' basketball team--By Davidson.

Under the rules, House Joint Resolution No. 286 was referred to the Committee on Calendar and Rules.

House Resolution No. 25--Relative to confirming appointment, Stanley T. Anderson, Claims Commission--By Ivy and Murphy.

The Speaker referred House Resolution No. 25 to the Committee on Judiciary.

### **INTRODUCTION OF BILLS**

House Bill No. 1092--To regulate purchasing, Hardeman County--By Stallings.

Passed first consideration.

House Bill No. 1093--To regulate purchasing, Carter County--By Whitson and Treadway.

Passed first consideration.

House Bill No. 1094--To regulate manufacture and sale of fireworks, Cocke County--By Davis (Cocke).



## **THURSDAY, APRIL 25, 1985--40th LEGISLATIVE DAY**

Passed first consideration.

### **HOUSE BILLS ON SECOND CONSIDERATION**

House Bill No. 1086--To establish animal control program, Washington County.

Passed second consideration and held without reference.

House Bill No. 1087--To regulate purchasing, Clarksville.

Passed second consideration and held without reference.

House Bill No. 1088--To regulate wheel tax, Henry County.

Passed second consideration and held without reference.

House Bill No. 1089--To change boundaries, South Carroll Special School District.

Passed second consideration and held without reference.

House Bill No. 1090--To regulate purchasing, Hamilton County.

Passed second consideration and held without reference.

House Bill No. 1091--To make provisions, Economic Development Commission, Jackson.

Passed second consideration and held without reference.

### **REPORTS OF STANDING COMMITTEES**

#### **TRANSPORTATION**

MR. SPEAKER: Your Committee on Transportation begs leave to report that we have carefully considered and recommend for passage: House Bill No. 374 (with amendment) and House Joint Resolution No. 244.

ROBINSON (Davidson), Chairman.

Under the rules, House Bill No. 374 and House Joint Resolution No. 244 was transmitted to the Committee on Calendar and Rules.

#### **MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to return to the House, House Bills Nos.:

1077--To amend Road Law, Dickson County;

1079--To amend charter, Oneida;

**THURSDAY, APRIL 25, 1985--40th LEGISLATIVE DAY**

1080--To create municipal court, Dayton;

1085--To increase tax rate, Oneida Special School District; all substituted for Senate Bills on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**ENROLLED BILLS**

**MR. SPEAKER:**

Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bills Nos. 466, 1077, 1079 and 1085; and House Joint Resolutions Nos. 130, 222, 241, 243, 245, 246, 247, 248, 249, 251, 254, 255, 256, 261, 264 and 272; and find same correctly enrolled and ready for the signatures of the Speakers.

MARLYN EVELYN HAND,  
Chief Engrossing Clerk.

**SIGNED**

The Speaker announced that he had signed the following: House Bills Nos. 466, 1077, 1079 and 1085; and House Joint Resolutions Nos. 130, 222, 241, 243, 245, 246, 247, 248, 249, 251, 254, 255, 256, 261, 264 and 272.

**REPORT OF COMMITTEE ON CALENDAR AND RULES**

**MR. SPEAKER:** Your Committee on Calendar and Rules begs leave to report that we have met and set the following bills on the Calendar for Monday, April 29, 1985: House Bills Nos. 3, 223, 1074, 935, 880 and 122.

GILL, Chairman.

**LOCAL BILLS REFERRED TO CALENDAR AND RULES**

In accordance with Rule No. 47, the following local bills, having received authorization for passage by the local legislative delegation, were transmitted to the Committee on Calendar and Rules: House Bills Nos. 1083, 1084, 1086 and 1088.

**REPORT OF COMMITTEE ON CALENDAR AND RULES**

**CONSENT CALENDAR**

**Mr. SPEAKER:** Your officers of your Committee on Calendar and Rules beg leave to report that we have met and set the following bills on the Consent Calendar for Monday, April 29, 1985: House Bills

**THURSDAY, APRIL 25, 1985--40th LEGISLATIVE DAY**

Nos. 1083, 1084, 1086 and 1088; and House Joint Resolutions Nos. 285 and 286.

GILL, Chairman.

**ENGROSSED BILLS**

**MR. SPEAKER:**

Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill No. 868; and House Joint Resolutions Nos. 282 283 and 284; and find same correctly engrossed and ready for transmission to the Senate.

MARILYN EVELYN HAND,  
Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**MR. SPEAKER:** I am directed to return to the House, House Joint Resolutions Nos. 142, 144, 180, 202, 204, 205, 206, 207, 208, 210, 211, 213, 214, 215, 216, 217, 218, 219, 220, 221, 224, 225, 228, 229, 230, 231, 233, 234, 237 and 240; also, House Bills Nos. 197, 474, 484, 565, 582, 631, 655, 1065, 1069, 1070, 1071, 1072 and 1073; all signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**SPONSORS ADDED**

Without objection, the rules were suspended to allow the following members to add their names as sponsors to the bills as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 4--Davidson

House Bill No. 28--Wood

House Bill No. 869--Drew

House Joint Resolution No. 282--Chiles

**MESSAGE FROM THE SENATE**

**Mr. SPEAKER:** I am directed to return to the House, House Bills Nos. 208, 410, 466, 522, 538, 1009, 1077, 1079 and 1085; also, House Joint Resolutions Nos. 130, 222, 241, 243, 245, 246, 247, 248, 249, 251, 254, 255, 256, 261, 264, 272 and 281; all signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**THURSDAY, APRIL 25, 1985--40th LEGISLATIVE DAY**

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to return to the House, House Bills Nos. 72, 151, 155, 165, 177, 181, 268, 735, 1008 and 1068; also, House Joint Resolutions Nos. 92, 93, 127, 128, 161 and 242; all signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**REPORT OF CHIEF ENGROSSING CLERK**

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bills Nos. 72, 151, 155, 165, 177, 181, 197, 208, 268, 410, 466, 474, 484, 522, 538, 565, 582, 631, 655, 735, 1008, 1009, 1065, 1068, 1069, 1070, 1071, 1072, 1073, 1077, 1079 and 1085; and House Joint Resolutions Nos. 92, 93, 127, 128, 130, 142, 144, 161, 180, 202, 204, 205, 206, 207, 208, 210, 211, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 224, 225, 228, 229, 230, 231, 233, 234, 237, 240, 241, 242, 243, 245, 246, 247, 248, 249, 251, 254, 255, 256, 261, 264, 272 and 281; for his action.

MARILYN EVELYN HAND,  
Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution No.:

97--Relative to electronic document transmission service, Zapmail; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos.:

77--To amend Tennessee Employment Security Law;

150--To regulate Medical Advisory Committee for Radiological Health;

690--To amend Tennessee Employment Security Law;

773--To establish nine congressional districts;

790--To regulate use, safety restraint devices, motor vehicles;

**THURSDAY, APRIL 25, 1985--40th LEGISLATIVE DAY**

all passed by the Senate.

**CLYDE W. McCULLOUGH, JR.,**  
Chief Clerk.

On motion of Mr. Naifeh, the House adjourned until 5:00 p.m.,  
Monday, April 29, 1985.